



## WISCONSIN SUPREME COURT

Wednesday, April 9, 2003

10 a.m.

01-0272-CR State v. John P. Hunt

*This is a review of a decision of the Wisconsin Court of Appeals, District I (headquartered in Milwaukee), which reversed a conviction in Milwaukee County Circuit Court, Judge Dennis P. Moroney presiding.*

In this case, the Wisconsin Supreme Court will determine whether a conviction must be reversed if the trial judge uses a rationale that is later found to be wrong to permit evidence of past actions by the defendant – so called “other acts” evidence.

Here is the background: John Patrick Hunt presided over a functionally bigamous household in Milwaukee with his legal wife, Ruthie, and another woman who acted as a wife, Angelica. The 12 children in the household (some, but not all, were fathered by Hunt) called both women “Mama” and Ruthie referred to Angelica as her husband’s other wife.

On July 23, 1998, one of the girls in the house – a 15-year-old who was Angelica’s daughter from a previous relationship – gave birth to a baby boy. DNA tests confirmed that Hunt was the father. Fourteen months later, in September 1999, Ruthie and Angelica – along with all of the children – left the house together and sought help at a local police station. Ruthie told police that Hunt was addicted to crack cocaine, kept numerous weapons in the home, and had threatened their lives. The officers went to the house and interviewed Hunt, who quoted Biblical passages and was found to have been smoking crack cocaine. After searching the house and interviewing the family, the officers arrested Hunt.

The district attorney charged Hunt with six counts related to his relationship with the 15-year-old: first degree sexual assault of a child (two counts); repeated sexual assault of the same child (one count); first degree sexual assault causing pregnancy (one count); exposing a child to harmful materials (one count); and second degree sexual assault by use of force (one count). A jury convicted him on all six counts.

Hunt appealed the conviction, arguing that the trial judge should not have permitted evidence of other acts that were not of a sexual nature and did not involve children to be admitted into evidence. These acts included drug use, and threatening and abusive behavior toward Ruthie and Angelica. The Court of Appeals agreed with Hunt that this information was not relevant and had unfairly prejudiced the jury against him. It reversed all six convictions.

In deciding whether to let the jury hear about a defendant’s past acts, judges consider the following questions, which have been set out in prior Supreme Court cases:<sup>1</sup>

- Is the proposed evidence relevant to the case?
- Does the value of that evidence outweigh the risk that it might prejudice or confuse the jury?

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<sup>1</sup> The most recent case is State v. Sullivan, 216 Wis.2d 768, 576 N.W.2d 30 (1998)

In sexual assault cases involving children, the judge has greater latitude to determine what other acts will be admitted into evidence. In this case, the judge cited that extra leeway and also said (when the jury was not present) that he thought the other acts were relevant to demonstrate that Hunt had acted badly in the past. However, the Court of Appeals ruled that neither rationale was appropriate and noted that it is illegal to use other acts evidence to show that someone is a bad person or has a bad character.

The State has now appealed to the Supreme Court, arguing that throwing out six convictions was an overreaction. The State argues that even if the Court of Appeals was correct in finding that the judge gave a wrong rationale for admitting the other acts evidence, there were plenty of other, proper reasons to admit this evidence to show motive, opportunity, intent, and absence of mistake or accident.

The Supreme Court will decide whether these convictions were properly tossed out.